

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

REC'D 22 MAR 2006  
WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P06451PC00</b>	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. <b>PCT/SE2003/001790</b>	International filing date ( <i>day/month/year</i> ) <b>19-11-2003</b>	Priority date ( <i>day/month/year</i> )
International Patent Classification (IPC) or national classification and IPC <b>See Supplemental Box</b>		
Applicant <b>Telefonaktiebolaget LM Ericsson (publ) et al</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the report</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>
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Date of submission of the demand <b>07-06-2005</b>	Date of completion of this report <b>14-03-2006</b>
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**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.  
PCT/SE2003/001790

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **Cover sheet**

**International patent classification (IPC)**

**H04L 12/14** (2006.01)

**H04Q 7/38** (2006.01)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/SE2003/001790

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- the international application in the language in which it was filed  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:  
 international search (Rules 12.3(a) and 23.1(b))  
 publication of the international application (Rule 12.4(a))  
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished  
 the description:  
 pages \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 the claims:  
 pages \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 the drawings:  
 pages \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/SE2003/001790

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>1-25</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-25</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-25</u>	YES
	Claims	_____	NO

**2. Citations and explanations (Rule 70.7)**

The object of the invention is to solve the problems of unfair charging in relation to data bit transfer sessions involving wireless links.

Reference is made to the following documents:

D1: US 6154643 A  
 D2: WO 9716034 A2  
 D3: US 2003186678 A1  
 D4: US 6061556 A

D2 relates to bandwidth-on-demand type communication systems and, in particular, to a bandwidth-on-demand type cellular telephone system wherein subscribers are charged for use of the system based in part on the total amount of bandwidth used to carry the subscriber communication.

D1, D3 and D4 are state of the art documents, and will therefore not be mentioned anymore.

**Claim 1:**

From D2, which is considered to represent the most relevant document, a method is known for determining charging related to a data bit transfer session (see D2 page 7 lines 9-17), said bit transfer session involving bit transfer over a wireless communications link under the control of a radio resource managing unit, which radio resource managing unit dynamically determines the bandwidth on the wireless link that

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## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

the bit transfer session is using, characterised by the steps of: a charging logic receiving information from the radio resource managing unit about the bandwidth on the wireless link that the bit transfer session is using; and said charging logic determining the charging related to the bit transfer session based on said received information from the radio resource managing unit (see D2 page 10 lines 4-27).

However, the cited documents represent the general state of the art.

The invention defined in claims 1-25 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed method, charging logic and system, wherein the charging is based on the bandwidth which the bit transfer session is allowed to use, and not the actual instantaneous bandwidth.

Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-25 is novel and is considered to involve an inventive step. The invention is industrially applicable.